

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
AT ST. LOUIS

KRAMER & FRANK, PC
Plaintiff

Case No. 4:05-cv-2395

vs.

KEVIN WIBBENMEYER,
JOE HASKELL, ANITA COBB,
JESSICA STENNETT, AND
BRANDI CHENEY,
Defendants

REQUEST FOR LEAVE TO FILE
RESPONSE TO MOTION TO DISMISS THAT
EXCEEDS PAGE LIMIT SET BY LOCAL RULE

For their motion under E.D.Mo. L.R. 4.01(D), Defendants state:

1. Local Rules limit provide a presumptive page limit of 15 pages (exclusive of signature page) for Memoranda in support or opposition to motions.
2. Plaintiffs have asked for a dismissal of Defendants' counterclaims, which is a document of approximately 35 pages. Plaintiffs seek dismissal on the grounds that the current operative pleading failed to meet the requirement of Rule 10 (failed to enumerate separate occurrences into separate counts) and Rule 8 (failure to provide short and plain statement of operative facts).
3. In order to properly respond to the latter allegation, the Defendants were required to separately analyze each and every paragraph in order to show the Court that the operative pleading before the Court fulfills the 'short and plain statement' requirement of Rule 8. Of the Five Counts that comprise the Defendants' counterclaims, only Count I was briefly discussed in this Memorandum. For expediency, the other Counts were not discussed.

4. Even though efforts were made to make the Defendants' reply as brief as possible, in order to fully and fairly show the Court why the Plaintiff's motion should be denied, twenty pages were used (twenty-one including the signature page).

5. On March 21, 2006, the Defendants filed this Memorandum; the undersigned respectfully requests that this Court consider the Defendants' memoranda (doc 30) in its entirety.

WHEREFORE, Defendants request leave to file a twenty (twenty-one including the signature) page memoranda that addresses Plaintiff's motion to dismiss, and further request that leave be granted retroactively so that the Defendants Memorandum (Doc. 30) can be properly and fully considered.

Respectfully submitted,

/David E. Herron II/

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CERTIFICATE OF ECF DELIVERY

IT IS HEREBY CERTIFIED that a copy of the above and foregoing was delivered via ECF transmission to Plaintiff's counsel on March 29, 2005.

/David E. Herron II/

David E. Herron II EDMO #84142